

# **EDMONDS CITY COUNCIL APPROVED MINUTES**

## **August 25, 2015**

### **Work Meeting**

The Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Earling in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds. The meeting was opened with the flag salute.

#### **ELECTED OFFICIALS PRESENT**

Dave Earling, Mayor  
Adrienne Fraley-Monillas, Council President  
Kristiana Johnson, Councilmember  
Lora Petso, Councilmember  
Joan Bloom, Councilmember  
Thomas Mesaros, Councilmember

#### **ELECTED OFFICIALS ABSENT**

Diane Buckshnis, Councilmember\*  
*\* participated by phone during a portion of the meeting*  
Michael Nelson, Councilmember

#### **STAFF PRESENT**

Phil Williams, Public Works Director  
Patrick Doherty, Econ. Dev & Comm. Serv. Dir.  
Scott James, Finance Director  
Bertrand Hauss, Transportation Engineer  
Rob English, City Engineer  
Jeff Taraday, City Attorney  
Scott Passey, City Clerk  
Jerrie Bevington, Camera Operator  
Jeannie Dines, Recorder

#### **1. ROLL CALL**

City Clerk Scott Passey called the roll. All elected officials were present with the exception of Councilmembers Buckshnis and Nelson.

#### **2. APPROVAL OF AGENDA**

**COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO APPROVE THE AGENDA IN CONTENT AND ORDER.**

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER PETSO, TO ADD AN ACTION ITEM TO THE AGENDA AS ITEM 4A, A MOTION OF COUNCIL PER ECDC 20.100.040.**

Council President Fraley-Monillas asked what ECDC 100.20.040 is. Councilmember Bloom answered it is Review Approved Permits; the intent of adding this item to the agenda is to discuss review of the permits for the Woodway Felds. Council President Fraley-Monillas asked for clarified since this is a work meeting, is the intent to add it as an action item. Councilmember Bloom answered her motion was to add it as an action item immediately following Audience Comments.

Council President Fraley-Monillas did not support the addition of an action item as this is a work meeting and two Councilmembers are absent and did not have an opportunity to respond to this addition or to call in. She found it disingenuous to add something to the agenda without notifying the absent Councilmembers. Councilmember Bloom responded this is a time sensitive issue because the Woodway

Fields are being installed right now and there are members of the public present to speak to that issue. She said there was nothing she could do about two Councilmembers being on vacation. Last week she proposed adding discussion of a resolution to stop work on the Woodway Fields to the agenda which was not supported by the Council when all seven members were present. She also asked Council President Fraley-Monillas in advance to schedule the resolution on the agenda. Therefore, she had no alternative but to proceed in this manner.

Council President Fraley-Monillas said she did not refuse; the week before the full City Council had directed the City Attorney by a vote of at least 6-1 to talk to Edmonds School District (ESD) about an ILA. She viewed Councilmember Bloom's attempt to place the resolution on the agenda as destructive to the process that the Council had supported. Council President Fraley-Monillas reiterated she did not support placing this item on tonight's agenda.

Councilmember Petso said it was unfortunate the full Council was not present but she understood this was time critical so she was willing to support having it on the agenda.

**MOTION CARRIED (4-1), COUNCIL PRESIDENT FRALEY-MONILLAS VOTING NO.**

**3. APPROVAL OF CONSENT AGENDA ITEMS**

**COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:**

- A. APPROVAL OF DRAFT CITY COUNCIL MEETING MINUTES OF AUGUST 18, 2015**
- B. APPROVAL OF CLAIM CHECKS #215757 THROUGH #215856 DATED AUGUST 20, 2015 FOR \$540,092.16 (REISSUED CHECK #215768 \$750.00). APPROVAL OF PAYROLL DIRECT DEPOSIT AND CHECKS #61746 THROUGH #61759 FOR \$482,379.51, BENEFIT CHECKS #61760 THROUGH #61764 AND WIRE PAYMENTS OF \$525,667.24 FOR THE PAY PERIOD AUGUST 1, 2015 THROUGH AUGUST 15, 2015.**
- C. APPROVAL OF CLAIM CHECK #215857 FOR \$2,167.00 AND REISSUED CHECK #215858 FOR \$140.00 DATED AUGUST 20, 2015**
- D. SNOHOMISH COUNTY ILA AMENDMENT**
- E. COUNCIL GRANT REQUESTS FOR TREE BOARD AND DIVERSITY COMMISSION**

**4. AUDIENCE COMMENTS**

**Scott Blomenkamp, Edmonds**, read a letter he sent to Council. Although the Council has expressed interest in interceding on the makeup of the Woodway Field project being developed by the ESD, citizens have been told that while the Council would like to take action, ESD has sole authority over the makeup of the fields. This statement, expressed by ESD, the Development Services and Parks Departments, Mayor Earling and even the City Attorney, is categorically false and to some, a lie. Once again the City requires citizens to do the research and spend their time doing the City Administration's job and by extension, the Council's. Three weeks ago he informed that the Council had a way as codified in the Edmonds City Development Code and sent the Council a prepared Application for Miscellaneous Review and has the same application in hand with signatures of three resident within 300 feet as required by ECDC 20.100.040.B.3. He urged the Council to fulfill the oath of office and perform their duties by passing a motion for the Miscellaneous Permit Review he provided. Based on the seriousness of the allegations, he urged the Council to do the reasonable thing and pass a motion to stop work to allow this

process to be heard as the Code allows in ECDC 20.110.040.B.2. Time is paramount as outlined in the OS zone definition, "The OS district has the following purpose B. To regulate the use of these lands and other land in private ownership, which cannot be developing without severe irreversible environmental impacts, which are either: part of a required greenbelt area; a native growth protection easement; or which provide an identifiable link to the city's open space of critical areas inventory." The exposure to liability for delaying the property pales in comparison to the potential lawsuits that will come from the Council's failure to act. Decades ago the Washington State Legislature removed the Sovereign Liability protection from state and local governments. While there is protection for discretionary acts, these allegations outline major ministerial liability to the City if action is not taken.

Mr. Blomenkamp expected City Attorney Taraday to inform the Council they either do not have the authority or need time to review, the full Council is needed, it will expose you to liability from ESD or some other such nonsense since the development application actually has a disclaimer that is signed by the applicant to hold the City harmless in "any action or infraction based in whole or in part upon false, misleading, inaccurate or incomplete information furnished by the applicant." He asserted Mr. Taraday has repeatedly given the Council advice that leads to breaking the law. In fact, his own actions during the three Council hearings held on the subject put serious question on the adherence to the Appearance of Fairness Doctrine. Mr. Blomenkamp's allotted three minutes expired and he indicated he would have another audience member continue reading his letter.

**Jim Wassall, Edmonds**, said it was not fair that he had to speak before the Sunset Avenue project update. He reported despite angle and parallel parking on Sunset, drivers still speed and ignore him when he yells at them. The police usually respond when he calls regarding illegal parking, however, they do not ticket illegally parked cars. By comparison cars on Railroad Avenue near the senior center are often ticketed if they exceed the 3-hour parking limit. He recommended illegally parked cars on Sunset be ticketed, especially cars with no one inside. No parking means no parking. The painted "no parking" is only a 4-inch stencil that apparently people feel they can ignore because it is small. When he informs drivers they are illegally parked they say they didn't realize it; he asserted they do realize there is no parking but choose to disregard the signage. Between the parking and speeding, something needs to be fixed on Sunset. Shortly after the angle parking was installed, he was nearly struck twice by drivers backing out. Some people look as they are backing but some do not.

**Shirley Pauls, Edmonds**, looked forward to the update regarding Sunset Avenue. Her concern continues to be safety; the angle parking in front of their house narrows the roadway and drivers speed up to get through that area. Further, because there are no breaks between 4-5 cars, it is difficult to see when backing out. Her second concern is ingress/egress to her own driveway; it should at least be as good as it was before. She has difficulty backing her Subaru out of the driveway and it is very difficult to back out their truck and camper. She likes the walkway and people using Sunset for 40 years has not been a problem. The problems are use of their own driveway and speeding in the area of the angle parking.

**Carol Nickisher, Edmonds**, a resident on Sunset for four years said she has observed the walkway for the past year as well as spoken to Walker, the young man doing observations. Her observations over the past year have led her to believe Sunset is far more dangerous now than it was before, dangerous to pedestrians who now have to negotiate bicycles on the walkway. She has also observed bicycles darting into the street if they encounter two pedestrians with strollers walking side-by-side. She feared Sunset was an accident waiting to happen and was surprised there had not been an accident or injury during the past year. She echoed Mr. Wassall and Ms. Pauls' comments, adding the angle parking is not only dangerous, it is ugly. The beautification process has been a dismal, bark sloughs off into the street likely clogging drains, the plants that haven't been stolen or died are very sorrowful looking, and there is no maintenance except by chainsaw. If the letters opposing Sunset have decreased, it is only because people believe they cannot fight City Hall. She wanted to believe that common sense would prevail.

**Laura Johnson, Edmonds**, asked who is representing the citizen's concerns and advocating for them. The School Board has dismissed their concerns and called them a small but vocal minority. The School Board is charged with educating and protecting children; they have stated crumb rubber has been determined to be an acceptable risk. She wholeheartedly disagreed; to her and many others, any avoidable and unnecessary risk is unacceptable. She recalled the School Board President declined Council President Fraley-Monillas' request for the School Board to meet with the Council as a whole to discuss infill material. She questioned whether the School Board President followed appropriate protocol and followed up with other School Board Member regarding their opinions. The matter has been brought to staff's attention multiple times; staff has been actively involved in advocating for the ESD's plans and have not actively advocated on behalf of the many citizens concerned with the use of crumb rubber. There has been no public involvement in the actually planning process. Input at the Architectural Design Board was not allowed and a finalized plan was presented at community meetings, not a planning process. They met with and presented risk and alternatives to the Parks & Recreation Department and the Mayor. Instead of advocating for citizens, staff continued to support ESD's plan. The Mayor has not issued a public statement on the matter but behind the scenes has chosen to selectively circulate industry-funded materials. All information and opinions should be considered; with that in mind, she questioned why the City was circulating one-sided information and ignoring the information that has been supplied by many residents. She referred to the local toxicologist who at the request of a State Senator donated his time and expertise on the matter. The idea of continuing to partner in order to possibly have some control over infill choices in the future did not make sense because there was no guarantee the partnership would not be canceled when ESD wanted to install new fields. ESD has clearly shown they do not negotiate. If the City partners with ESD, they are partnering in a questionable, risky and divisive decision. She urged the Council to advocate for citizens, keep citizens' concerns in mind and find a way to protect them.

**Thalia Moutsanides, Edmonds**, reported from September 27, 2014 to November 19, 2014, she spent 37 days gathering 1,060 signatures from residents of 33 cities and 5 states opposing the Sunset Avenue multipurpose walkway on the west side of the street. While doing this, she spoke with hundreds of people outraged about the new configuration and the fact that they knew nothing about it, it was unsafe, how could the City get away with something like that and spend so much money for three blocks, no formal agreement with BNSF, it catered to only walkers and not the elderly and people parked in cars, and what was wrong with the way it was. People were angry there was no information posted on the grassy strip informing them about the proposed sidewalk, how they could oppose it and how they could get involved. Not only did she gather signatures of people opposing the walkway, she provided them information on the project whether they were for or against it which should have been done by the City years ago. The right way to inform the public would have been to post it on Sunset for all to see like the City does with zoning changes and variances. She finally had to stop gathering signatures because it was upsetting to her to see so many opposed and how angry and upset they were. Many felt the City had an agenda and would not listen to any viewpoint but their own. The majority of residents on Sunset Avenue would like to compromise and not make the sidewalk about grant money. She questioned whether the City had talked to any of the granting agencies to determine whether a narrower sidewalk such as 3 feet would be acceptable since there is a sidewalk on the east side of the street; not allow bicycles, segways, skateboards which increase the danger; and provide reasonable parking that is not located in front of the residences at the south end of Sunset Avenue. Residents on Sunset Avenue share the street with hundreds of cars, tons of people, dogs, and bikes and she urged the City to consider what they experience on a daily basis. Before the walkway is finalized, she recommended a meeting open to the public where people could voice their opinions.

**Tom Gable, Edmonds**, relayed several of his neighbors on Sunset Avenue have spoken about their disappointment with the project. In spite of the no parking zones, every night as sunset approaches the road is parked solid with cars, making it nearly impossible get out of their driveways. If rules are made

for Sunset Avenue, he urged the City to enforce them. In the course of their construction project, multiple people have used the porta-potty on their property. He questioned whether the intent of the project was to bring cars or walkers to Sunset Avenue or revenue into Edmonds. He applauded making the walkway ADA compliant and bringing walkers across the street. He observed most pedestrians and drivers look into the houses and not at the water. If the project continues, he suggested determining what it was trying to achieve and to include the residents of Sunset in that discussion.

**Mike Herb, Edmonds**, said he walks Sunset Avenue daily and loves it, finding it a great design that is much safer for walking because the street is so level. Prior to the walkway, he walked on the uneven sidewalk on the east side and before the present configuration, broke his leg walking there when he fell stepping onto the muddy grass. He supported the current figuration.

**Margret Pinson, Edmonds**, recalled when asking questions of their parents when they were children, she and her siblings were often told “because that’s the law.” They knew they were expected to follow the law; not skirt the law, not twist the law, not manipulate the law. She was incredibly dismayed by the conduct of a great many in the ESD, the City Administration, Planning Division and others with regard to the Woodway Field project. The fields are school property that is deed restricted and intended to be used for school purpose for perpetuity, the students and children of ESD now and in the future. That land must be kept free of toxins that are sure to hurt children. That is very least that is expected of elected officials. She hoped the Council would take action to protect children.

**James Martin, Edmonds**, observed there is a difference of opinion with regard to Sunset Avenue. He likes Sunset the way it is. He enjoys walking on the west side and he looks at the water and sees a lot of other people enjoying the view of water, sitting on the benches and walking on the west side. He summarized the current configuration was a good situation.

**Roger Hertrich, Edmonds**, said he has thought a lot about what he would do if he were a parent of child who played on the toxic fields and then came down with cancer or another medical problem. Some people are likely to sue when things happen especially when the City Council and Mayor are in fully knowledge of all the problems that can occur, yet choose to put their head in the sand. Only Councilmembers Bloom and Petso realize the need for caution. The rest of the Council, led by Council President Fraley-Monillas, chooses to ignore the obvious and say they cannot do anything about it. He asserted the Council could do something; they could put their foot down, establish a precedent and make news. If the Council did not, they left the City liable to someone suing the City and the ESD. With regard to Sunset Avenue, he said all that has been accomplished so far is creating a substandard sidewalk whose width is not adequate for bikes and people. He suggested reverting back to a simple 5-foot sidewalk, markings in the street for bikes and extending the parking northward. He admitted he and others parks illegally to look at the sunset and thumb their noses at the City due to lies that were told and false information provided when the City sought grant funds.

**Mark Wall, Edmonds**, said the Council has been informed of dozens of code violations, many zoning issues, unethical City employee involvement as well as interference of the City Attorney allowing the Council to fulfill their responsibility to uphold the City’s laws and codes. The City and ESD have gotten plenty of local news coverage regarding this issue. The City knowingly continuing down this path has attracted national media attention; ESPN discovered Edmonds and is excited to be doing a story on corruption and powerful lobbies that represent crumb rubber and how cities allow this to happen to generate revenue. He provided pictures of the lighting infrastructure ESD has installed. Although the Hearing Examiner denied the lighting, ESD withdrew their permit for lighting, and the City Council approved a condition that no lighting was allowed, the infrastructure is being installed and the City has chosen to remain silent on this illegal aspect. At the April 28, 2015 Council meeting, the City Attorney stated we don’t generally consider staff to be either proponents or opponents of a project. He referred to

several emails that refute that statement including a statement from Planner Mike Clugston that he will push the School District to include all aspects of land use review and permitting at this time rather than apply for additional land use permits with each phase of development, get all your land use done now and get vested, then pull those building permits for subsequent phases when those pots of money become available.

Mr. Wall asserted the City's Park Director Carrie Hite has tirelessly lobbied in support of the project and gave the Council misinformation. Her email to friends at ESD, Matt Finch, Stewart Mhyre and Ed Peters, and fellow City employee Lead Planner Mike Clugston to inform them she emailed supporters of the project to ask them to comment at the Hearing Examiner and City Council hearings. The notes from his public records request include Mr. Taraday gave ESD advice to break up the zones so that lights could be added without a development agreement, advice that avoids the Council as the Council would need to vote on a development agreement. The Council has had many opportunities and dozens of things have been brought to their attention. Although one Councilmember said the Council did not have the ability to tell ESD what to do with their property, the point of the closed record review was to tell ESD what to do with their property.

**John Pauls, Edmonds**, a resident on Sunset, suggested after tonight's meeting, the Council very slowly cruise down Sunset Avenue and determine if they saw a walkway or parking plant.

**Toni Rochelli** continued reading the letter Mr. Blomenkamp submitted to the Council: Mr. Taraday's nonsensical repeated coaching of how review boards and hearing examiner hearings constitute "Public Involvement in Design," interpreting the Hearing Examiner's determinations, and most importantly his statement in the record that "I'm sorry, the rules do not allow this hearing to go on forever. We need to bring it to a close" when the hearing can certainly go on as long as the council wishes, begs the question of his impartiality. This as well as allowing Ms. Hite and Mr. Clugston to add to the record as supposed "only neutral staff" when there is clear evidence via public records request of their culpability in manipulating this process. He asked whether they have just been hearing words or will they see action. If the Council refuses, this application will be filed on Thursday and urged the Council to stop the endless lawsuits to be expected from not taking reasonable action now.

Mayor Earling relayed Council President Fraley-Monillas' request for a brief recess. Council President Fraley-Monillas advised Councilmember Buckshnis has agreed to phone in.

From the audience Mr. Blomenkamp questioned whether that was allowed by Robert's Rules of Order and asserted state law requires the code state someone can phone in.

Mayor Earling asked City Attorney Jeff Taraday whether Councilmember Buckshnis would be allowed to participate by phone. Mr. Taraday answered historically the Council has allowed it. He advised Robert's Rules does not allow remarks from the audience during a Council meeting.

Councilmember Bloom said in the past a Councilmember calling in to participate in a vote has been required to be engaged and hear every single comment that went on before the item whether it was a public hearing or audience comments; Councilmember Buckshnis has not involved in that and she already stated a long time ago she feels this project should go forward and the Council has no jurisdiction. She found it offensive that Council President Fraley-Monillas would call Councilmember Buckshnis because she has not been privy to all the comments and she expected Councilmember Buckshnis has not read the multiple emails the Council has received including emails received today. Council President Fraley-Monillas responded she was not sure what Councilmember Bloom was afraid of. Councilmember Bloom said she was afraid of a tie vote.

Councilmember Petso recalled the Council may have passed a resolution regarding this topic in 2013. She supported taking a break to allow her to locate the resolution.

Mayor Earling declared a brief recess.

**4A. A MOTION OF THE COUNCIL PER ECDC 20.100.040**

(Councilmember Buckshnis joined the Council meeting by phone.)

Mayor Earling relayed there is a request from Councilmember Buckshnis to participate in the meeting by phone. He asked Mr. Taraday to speak to past practice. Mr. Taraday said past practice has been to allow telephonic participation at a Councilmember's request. It is up to the Chair to rule whether that can occur and the Council can appeal the Chair's ruling. The City does not have text searchable resolutions and Robert's Rules does not address this.

Council President Fraley-Monillas said Councilmember Buckshnis has been watching the Council meeting live from Wisconsin. Councilmember Buckshnis said she is in car watching while driving to Fort Washington, Wisconsin.

Councilmember Petso recalled the Council set some reasonable parameters for Councilmembers' remote participation such as they needed to be able to hear and to be heard. If the Council has a resolution that governs how this is done, she questioned why it would be a Robert's Rules decision. Mr. Taraday said staff had not been able to locate the resolution. No one anticipated this would occur and without advance notice, he did not have an opportunity to locate the resolution before the meeting. The meeting could be recessed until it was determined whether such a resolution exists. Councilmember Petso suggested proceeding with other agenda items while staff conducted further research. Mr. Taraday advised that was at the pleasure of the Council.

Councilmember Bloom's recollection of the resolution was that it had to be planned in advance, it had to be in relationship to a specific item that the Councilmember had an interest in, the Councilmember knew they would not be available to attend the meeting and they had to listen to all comments and associated information. She referred to Councilmember Buckshnis' comment that she was driving in the car and questioned how she could be watching or listening to a Council meeting and be able to give it her full attention while driving. She urged the Council not to waste any more time. Councilmember Buckshnis responded she is a passenger in the car.

Council President Fraley-Monillas asked whether a motion to table until the information was available would be appropriate. Councilmember Petso said a motion to table would be out of order in this context. Council President Fraley-Monillas said a motion to table was non-debatable. Councilmember Petso said a motion to table is subject to a point of order; a motion to table is for an emergency, this would be a motion to postpone. Mr. Taraday said a motion to table is indefinite and a motion to postpone is to a specific time. Mayor Earling suggested the Council proceed with Item 5A to allow staff to conduct further research.

Council President Fraley-Monillas explained the phone connection with Councilmember Buckshnis will be broken but Councilmember Buckshnis will continue to watch the meeting and will call if she has comments on the following item because her (Council President Fraley-Monillas') cell phone did not have adequate power to keep Councilmember Buckshnis on the phone during the next agenda item.

**5. STUDY ITEMS**

**A. SUNSET AVENUE WALKWAY PROJECT UPDATE**

Public Works Phil Williams explained this pilot project was placed into operation approximately September 14, 2014, nearly a year ago. A few adjustments/modifications were made to the project following that date but most of the geometry was established at that time. Traffic counters were placed in the vicinity of the angle parking and a second further north, a few hundred feet short of Caspers. He displayed and reviewed graphs with the following information:

<b>Average Daily Traffic (ADT)</b>		
November 2014	April 2015	July 2015
862	1,145	1,087

For comparison, average daily traffic volumes for SR 104 are 35,000-40,000; for Olympic View Drive 3,600-4,000 and for 76<sup>th</sup> north of Perrinville 2,000.

<b>85<sup>th</sup> Percentile Speeds</b>			
	November 2014	April 2015	July 2015
South (at angled parking)	23 mph	21 mph	19 mph
North end	26 mph	23 mph	21 mph

<b>Wrong Way Counts (per week)</b>		
November 2014	April 2015	July 2015
11	14	18

Mr. Williams displayed accident data January 1, 2014 – July 31, 2015, advising there were a total of 7 accidents but 5 were outside the project limits and only 2 within the project limits, 1 backing accident in the vicinity of the angle parking that occurred prior to the project and 1 accident at the north end due to a vehicle backing out of a driveway. He displayed a graph of pedestrian usage, collected by an intern between July 20 and August 19, 2015 of mid-morning, mid-day, early mid-afternoon and mid-late afternoon on the east sidewalk, west sidewalk and total pedestrians, summarizing 80% are walking on the west side walkway and 20% are walking on the east side.

He reviewed a list of possible survey questions:

1. My primary use of Sunset Avenue between Main Street and Caspers Street has been as a; (Check all that apply)

- ☐ Pedestrian
- ☐ Bicyclist
- ☐ Motorist
- ☐ Adjacent Resident
- ☐ I have not used it
- ☐ Other (please specify)

2. The availability of parking on Sunset Avenue is;

- ☐ More than what is needed
- ☐ Adequate
- ☐ Somewhat Inadequate
- ☐ Completely Inadequate
- ☐ Parking should be removed
- ☐ Other (please specify)

3. The angled parking on Sunset Avenue is;

- ☐ OK to navigate



- ☐ Difficult to navigate
- ☐ Should be adjusted westward if possible
- ☐ Should be removed
- ☐ Other (please specify)

4. Bicycle use on the shared pathway

- ☐ Safe bicycle use should be encouraged
- ☐ There are not enough bikes to be a problem
- ☐ A separate bike path should be considered
- ☐ Bikes should not be allowed on the path
- ☐ Other (please specify)

5. I would like to see Sunset Avenue have additional amenities (park benches, picnic tables, artwork, etc.)

- ☐ Strongly Agree
- ☐ Somewhat Agree
- ☐ Neither Agree nor Disagree
- ☐ Somewhat Disagree
- ☐ Strongly Disagree

6. I would like to see the current temporary pathway improved and made permanent

- ☐ Strongly Agree
- ☐ Somewhat Agree
- ☐ Neither Agree nor Disagree
- ☐ Somewhat Disagree
- ☐ Strongly Disagree

7. I would use this walkway...

- ☐ Daily
- ☐ Several times a week
- ☐ Several times a month
- ☐ A few times a year
- ☐ Almost never
- ☐ Never

8. The best way to get information to me is; (Check all that apply)

- ☐ The City's website
- ☐ The City's Facebook page
- ☐ E-mail updates (my e-mail is \_\_\_\_\_)
- ☐ My Edmonds News
- ☐ Edmonds Beacon
- ☐ Public Meetings and Council Meetings ☐ In person ☐ On TV ☐ Replay or streaming
- ☐ Other (Please Specify)

He advised the survey could be conducted via an online survey like Survey Monkey; the approximate cost of a statistically valid survey is \$10,000-\$20,000, about the cost of the temporary project. He displayed the original artist's rendering of the walkway and a photograph of what exists today.

Council President Fraley-Monillas asked how an online survey prevented people from voting over and over. Mr. Williams acknowledged someone that was committed to skewing data likely could determine a way. Improvements Survey Monkey has made in recent years attempts to identify people such as via an IP addresses. He agreed an online survey was not perfect and was not a statistically valid survey.

Council President Fraley-Monillas referred to valid issues identified by citizens such as angle parking, bikes on the pathway, lack of parking in general and plant maintenance. Mr. Williams agreed the general scheme of parking and the amount of parking is probably the most difficult issue. The pilot project tried to mimic the number of parking spaces; there are about five more identified spaces but parking is distributed differently with more at the south end and eight more angle parking space than there were previously. In early testimony, people liked the angle parking so it did not seem unreasonable to create additional angle spaces instead of parallel parking. In the pilot project parallel spaces have to be carefully located so they do not interfere with driveway ingress and egress. More parallel spaces could be added and the angle parking reduced if there were funds to fix some of the driveways. Council President Fraley-Monillas asked how many spaces would be lost if the angle parking on the south were replaced with parallel parking. Mr. Williams answered the existing 21 angle spaces would be reduced to 10 parallel spaces, a net loss of 11.

With regard to plant maintenance, Mr. Williams said Parks did good job for a pilot project in planting roses and spreading bark. He acknowledged some plants have likely died and could be replaced. The roses were low lying to prevent them growing high enough to interfere with views. The intent of the roses was also to discourage people from continue to walk the habitual path west of the curb which was a concern for BNSF. Promises were made 20 years ago that the City would establish and maintain vegetation that made it difficult for people to reach the railroad tracks in an effort to prevent the installation of a fence on Sunset. The roses were an attempt to reestablish that and make it look a little softer which was accomplished. With regard to the comment that there has not been any maintenance, Parks was there yesterday pulling blackberries and doing maintenance.

Council President Fraley-Monillas referred to public comment from a couple who are probably the most affected by ingress and egress into their driveway, recalling there were plans to improve that. Mr. Williams said staff has talked with and met with the owners of 310 Sunset onsite a number of times to discuss their concern with getting in and out of their driveway with their truck and camper. Cones have been used on occasion to block spaces to assist them at specific times but that would not be done long term. A minimal design was prepared to widen the throat of their driveway to give them better access; staff intends to construct that in the next 30 days or so when normal summer workloads decreases. The property owners are agreeable to that.

Councilmember Petso requested the presentation be posted on the City's website. Mr. Williams said he will do that tomorrow. Councilmember Petso asked whether Mr. Williams would be amenable to a public hearing and public meeting process to look at this again. She has received a diagram from a citizen, a suggestion from a citizen to taper the walkway in certain areas rather than a uniform width, etc. There are a lot of ideas that could bring the project closer to a final answer if a way can be determined to collect that input. Mr. Williams said if Council wants to have public meeting or hearing, staff will do their best to make it successful. He explained this is a pilot project and some compromises were made to fit it into a small budget. He referred to the 13 feet that exists behind the angle parking, suggesting if vehicles are traveling at an appropriate speed such as 12-13 mph and drivers back out very slowly, there is plenty of time to stop. He referred to the accident history, noting there were no backing accidents during the last year. He understood it was different than the previous configuration and may not feel comfortable to some. With an actual project and funds, there would be room on City property to move the angle parking 3-5 feet

further west. Councilmember Petso said that is something citizens have suggested which is the reason she is interested in something more interactive than a public hearing.

Councilmember Petso referred to survey question #1 regarding primary use of walkway, observing people's primary use of Sunset may have changed with the walkway on the west. She suggested the survey also ask about people's primary use before and with the project in place. Mr. Williams agreed. Councilmember Petso said a fairly significant update of the Strategic Action Plan is planned next year that will include more elaborate sampling than Survey Monkey. She suggested including questions about the Sunset Walkway in that survey. Mr. Williams answered or both could be done.

Councilmember Johnson requested Mr. Williams' presentation be provided to the Council as well as the City Clerk. She suggested Council review the questionnaire, possibly simplify it and use all available resources such as online, in person surveys on Sunset, My Edmonds News and the Beacon because the more information the City receives the better. She requested Mr. Williams describe the current configuration of Sunset Avenue. Mr. Williams said there is a marked 8-foot wide walkway from the westerly curb from the existing formal City sidewalk on the south to the crosswalk at Caspers and a double yellow line with hash lines where there is parking to allow a door to open without intruding onto the path. At its narrowest point, the street is 30 feet from curb to curb, 10 feet for the walkway and clear space leaves 20 feet of paving. Some parallel parking spaces have been marked which consume 7 feet which leaves 13 feet. The angle of the 21 angle parking spaces was adjusted slightly from the consultant's original design and leaves 13 feet of clear pavement between the end of the parking and the easterly curb.

Councilmember Mesaros referred to the photograph of the project as it now exists, observing the BNSF right-of-way goes into the street in places and there are portions at the north and south that the City owns. The design is a relatively straight north-south walkway. He asked if there would be any advantage to a design that keeps the existing curb where the BNSF is and follows the City property, resulting in an arced walkway which would expand parking in some points. Mr. Williams said there has been some thought given to that. He noted where the person is standing taking the picture is about where the BNSF right-of-way line meets the curb and narrows slowly to a maximum of 12 feet into the street that BNSF owns. The City has occupied that for 75 years but does not have an active lease or easement other than at the pump station and a few other specific locations.

Councilmember Mesaros explained his suggestion was to leave the curb in its existing location and in the places where the City owns more property to the west, push the curb west. Mr. Williams agreed that could be done where the angle parking is and further south, push the curb west or use the property west of the curb for additional benches, tables, etc. Councilmember Mesaros observed the picnic table in the photograph is on BNSF property. Mr. Williams agreed it was.

Councilmember Bloom observed there have been a number of comments from the public on My Edmonds News and via email about the reduction of the parking on the north end and whether consideration has been given to replacing parking on the north end. She asked the rationale for reducing the parking on the north end. Mr. Williams answered it was related to driveways and that is the narrowest portion of the project. The intent was to mimic the number of parking spaces and the project actually added a few more. A lot of motorists drive as well as park on Sunset Avenue enjoy the view so the goal was not to reduce the number of spaces but during the pilot project parking was moved so it did not interfere with driveways. More parking could be added on the north end by addressing some of the driveways. There is one acute problem where the driveway returns will be adjusted funded by the maintenance budget. Councilmember Bloom asked whether that driveway was on the north end. Mr. Williams said it is within the 200 feet of angle at the south end.

Councilmember Bloom expressed concern there were no attachments to the agenda memo so the public and the Council did not have an opportunity to review the information in advance of Mr. Williams' presentation. She is a visual person and likes to formulate questions in advance. She supported Councilmember Petso's suggestion to hold a public hearing with all the history attached so the Council was not just looking at the current situation.

Council President Fraley-Monillas said she drives Sunset almost daily in her small SUV and is still uncomfortable with the angle parking. She preferred to make all the parking parallel and lose some parking spaces. Another issue that needs to be resolved is speeding; she drives slowly and often cars pass her. Mr. Williams said there would be a lot of techniques available in an actual funded project to reduce speeds on Sunset. There have been discussions about a tabletop intersection at Edmonds Street which would slow drivers before they reach the angle parking. There could also be a traffic calming device at the end of the angle parking. He was not a huge fan of traffic calming there because drivers focus on the speed bump to time their braking and then speed up versus watching for movement in the angle parking. He acknowledged angle parking in general has different concerns than parallel parking. He recalled testimony the Council received regarding the importance of angle parking and the preference to look out the windshield versus the side window.

Council President Fraley-Monillas said speeding is occurring mid-street north; she was unsure what traffic calming could be used to address that and suggested possibly more patrol emphasis was needed. Mr. Williams answered staff has had conversations with the Police Department and they have issued tickets. The number of tickets issued would be another piece of data he could gather. He acknowledged it is a long straight stretch and it is easy to speed where there is not much parking, the driveways are visible, etc. The speed data indicates speeds are not impressive for a street signed at 20 mph and the street does not qualify under the current policy for traffic calming.

**4A. A MOTION OF THE COUNCIL PER ECDC 20.100.040 (Con't)**

(Councilmember Buckshnis joined the Council meeting by phone.)

Mr. Taraday advised he had not been able to locate a resolution adopted by the City Council that addresses telephone conferences. He explained he does not have access to a word searchable database. He scanned the relevant time period, 2012-2014, looking for a resolution and the only one he found was adopting Robert's Rules. He did not think the Council had adopted such a resolution. Robert's Rules refer to telephonic meetings as a possibility if the body has provided for that in its bylaws. That is not in the Council's bylaws but there has been a past practice of allowing for telephonic participation. With regard to how to decide the matter, he recommended the Chair rule whether telephonic participation is appropriate and the Council then has the ability to appeal that ruling by a majority vote.

Mayor Earling said since there is no information available with regard to a resolution or under what conditions a Councilmember may participate via phone, the Chair rules that Councilmember Buckshnis be allowed to participate with the understanding she has watched the meeting with regard to the Woodway Fields from the beginning.

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER PETSO, TO APPEAL THE CHAIR'S RULING.**

Councilmember Bloom explained her rationale; there are seven Councilmembers, Councilmember Nelson is also not present. She was uncertain whether he could be contacted but he had not been contacted and not given the option of participating. Allowing just one Councilmember to participate on the fly like this will potentially result in a 3-3 vote. Barring the ability to allow both Councilmember Nelson and Councilmember Buckshnis to participate, the Council is not doing justice to issue because they have

different opinions just as other Councilmembers do, and there was not an opportunity to include Councilmember Nelson's opinion. She summarized it was not appropriate to have Councilmember Buckshnis participate and not Councilmember Nelson.

Councilmember Mesaros said it was appropriate to have Councilmember Buckshnis participate and it was unfortunate that Councilmember Nelson could not participate, assuming if he knew this agenda item were going to be discussed, he would have liked to participate. With regard to Councilmember Bloom's comment about things being done on the fly, he said it seems this whole agenda item is on the fly; therefore, it was not a good characterization. He voted to place this on the agenda, finding it worthy of discussion but wanted to allow as many Councilmembers as were available to participate. If Councilmember Buckshnis was available, he welcomed her participation.

Council President Fraley-Monillas said Councilmember Nelson knew he had the opportunity to call in for any Council meeting he missed but he is a kayaking in remote place. She was disturbed one of reasons for not wanting Councilmember Buckshnis to participate is the possibility of a 3-3 vote. She felt this agenda item was taking advantage of a situation where Councilmembers were absent and lining up votes prior to the meeting. She summarized it is Councilmember Buckshnis' right to participate via phone.

Councilmember Petso voiced her support to appeal the Chair's decision because the City Attorney said under Robert's Rules a member does not have the ability to participate remotely unless it has been set up. She thought the Council had set that up but apparently no one can find it. She will vote not to allow Councilmember Buckshnis to participate, not because of how it affects the vote but because it was likely an incorrect ruling under Robert's Rules. She also pointed out as she understands the agenda item, Councilmembers will either vote to have a review of permits or citizens will file for a review of the permits. There may not be as much at stake as people think so everyone could relax and let the process unfold as correctly as we figure out how to do it.

Councilmember Buckshnis said everybody knows she is out of town for family reasons. She has called in from out of town in the past when she was in Charlotte, in Wyoming, etc. She watches Council meetings all the time now that they are live. What she found disarming was, like Councilmember Mesaros said, her participation was not on the fly, adding this to the agenda was done on the fly. When she joined the meeting by phone, she turned off the video of the Council meeting due to the five second delay. She felt setup and found it unfortunate that she had to call in when it was nearly midnight because this was put on the agenda because votes were being counted. She found it disrespectful to her and Councilmember Nelson. To Councilmember Bloom's indication that she had not read all the emails, she has read all her email. She found Councilmember Bloom's implication she was not doing her job very disrespectful as well as the issue of us versus them. She was floored with how this got on tonight's agenda.

Councilmember Bloom responded this was only on the fly because there was no other way to get this on the agenda. It is time sensitive, ESD is moving forward with putting in the fields and there has been a lot of concern expressed by citizens. Last week she tried to get a stop work order on the agenda via a resolution and Councilmembers would not even talk about it. She said Councilmember Buckshnis made her opinion pretty clear last week as did five other Councilmembers, that they did not even want to discuss this. This had to happen in this manner, remote participation is not the best way and it is not per Robert's Rules and staff cannot find any documentation regarding rules for remote participation. She summarized that was what was on the fly tonight.

Mr. Taraday said until a determination is made regarding whether Councilmember Buckshnis can participate, she cannot vote.

**MOTION CARRIED 3-2, COUNCIL PRESIDENT FRALEY-MONILLAS AND COUNCILMEMBER MESAROS VOTING NO.**

(Councilmember Buckshnis ceased her participation by phone.)

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER PETSO, PER ECDC 20.100.040, REVIEW OF APPROVED PERMITS, THAT ALL RELATED PERMITS IN THE WOODWAY FIELDS PERMITTING PROCESS BE REVIEWED. THIS REVIEW SHALL INCLUDE BUT NOT BE LIMITED TO:**

- 1) PERMIT BLD20141182 ISSUED ON MAY 28, 2015 FOR FIELD LIGHTING BASES. THAT PERMIT STATES PHASE 1 SPORTS FIELD SITE WORK, FENCE, DRAINAGE FIELD LIGHTING BASES, SPECTATOR SEATING.**
- 2) THE DETERMINATION OF NON SIGNIFICANCE BY THE LEAD AGENCY, THE EDMONDS SCHOOL DISTRICT IN THE SEPA REVIEW OF THE PROJECT, AND**
- 3) THE USE OF 2005 VERSUS THE NEW 2014 STORMWATER REGULATIONS IN DETERMINING FILTERING OF THE FIELD RUNOFF.**

Council President Fraley-Monillas asked whether the City Council can legally stop the District by Councilmember Bloom's motion. Mr. Taraday explained Councilmember Bloom's motion is for review under Chapter 20.100 which is not a stop work order. Council President Fraley-Monillas asked whether it would stop the District from proceeding. Mr. Taraday answered under the code it could but that is not Councilmember Bloom's motion; her motion is to initiate a review under ECDC 20.100. That only results in a stop work order if the only reasonable way to correct the deficiencies which have yet to be specified, is for the permittee to cease the permitted activity. The Director of Community Services refers the matter to the Hearing Examiner for review. The Hearing Examiner holds a hearing and if he finds the only reasonable way to correct the deficiencies is for the permittee to cease the permitted activity, the Hearing Examiner may revoke the permit. He clarified a stop work order is different than a permit revocation.

Council President Fraley-Monillas asked what activities have been permitted at the Woodway Fields that would be reviewed. Mr. Taraday answered all the land use permits Councilmember Bloom identified in her motion.

Councilmember Bloom said she mentioned three items in her motion, items she felt came up the most. Mr. Blumenkamp's email which the Council received today included a lot more issues. She highlighted those three but her motion states this review shall include but not be limited to those three.

Councilmember Petso spoke in favor of the motion on the basis that since this review will occur anyway, it was preferable for the Council to initiate it rather than make the citizens pay a permit fee.

Councilmember Johnson spoke in favor of the motion and provided some context. Some time ago when the Council had a closed record review of the Woodway Fields project, she was confused and contacted Development Services Director Shane Hope who provided a very discreet explanation. She read what Ms. Hope wrote: "Because the variance would be for a public agency, the Edmonds Community Development Code 17.00.030 requires that it receive a recommendation by a Hearing Examiner and then a final decision by the City Council which is equivalent to a Type IIIB decision. And under ECDC 20.01.003 a Type IIIB decision requires a closed record review by the City Council."

Councilmember Johnson explained when the City Council held its closed record review, the Council was guided by very specific instructions and was told only to look at two issues, the bleachers and a variance for the height of the fence around the ballfield. The Council was advised not to discuss it with citizens, not to visit the site and not discuss it for period of time after the decision. In the past month citizens have come to the Council week after week raising their concerns and issues. The City Council has a responsibility to make sure all questions are answered and the best way to do that is via this appeal process. She supported the review for that reason, not because she has taken a position one way or

another, but because very specific concerns and allegations have been raised and she wanted to use the process in place to review it.

Councilmember Mesaros referred to the process Mr. Taraday described, if the motion is approved, a review of the permit process will follow and there may be an appeal to the Hearing Examiner. Mr. Taraday explained according to the code, this review may only occur if:

- 1) The conditions of the permit are not being met.
  - To his knowledge no one has indicated the conditions of the permit are not being met, so he did not have any reason to believe the review was appropriate under that item.
  - If the Council passes this motion, Ms. Hope will do the initial review to see if the three items are satisfied. If one of them is satisfied, the process proceeds to the next step.
- 2) The requirements of the City Code are not being met.
  - He was not aware of any way in which the City Code requirements were not being met.
  - Again, it would be Ms. Hope who makes that determination after the review is commenced, whether it is commenced by the Council or by three residents living within 300 feet.
- 3) Is the permitted activity causing a nuisance or hazardous condition.

Mr. Taraday explained if none of three can be satisfied, the review does not go any further and does not go to the Hearing Examiner.

Mr. Blumenkamp spoke from the audience, urging the Council to read the code. Mayor Earling informed Mr. Blumenkamp that one more outburst he would be asked to leave the room.

Mr. Taraday addressed Mr. Blumenkamp's comment, stating the code is not well written. In his opinion the only way it makes any sense is if it is interpreted the way he just explained. If that was not the case, there would be an endless cycle of land use appeals every time an opponent of a project wanted to challenge something, whether or not there was any basis for a challenge which State land use laws do not allow to happen. Edmonds may be the only city in the State that has this procedure; it is extremely unusual. It does not make any sense to say a group of resident or the City Council could, without any violation of a permit condition, violation of city code or finding of nuisance or hazard, just bring something back to the Hearing Examiner. The State Land Use Petition Act (LUPA) specifically states the city is forbidden to revoke permits after 21 days of issuance. He was not sure how this procedure is reconciled with LUPA. He said this was perhaps not intuitive for the non-legally educated.

Mayor Earling observed in the citation of the code, the Community Service Director is mentioned. Mr. Taraday agreed, commenting the City does not have one. Historically most of those references are interpreted to refer to the Development Services Director by context. He agreed that was another way in which this code provision does not make sense.

Councilmember Mesaros said if by chance fault is found and it goes to Hearing Examiner and there is an appeal from the Hearing Examiner to the City Council for a closed record review, would the Council be qualified to review it if this motion is passed. Mr. Taraday clarified it is not an appeal to the Hearing Examiner. Assuming Ms. Hope found one of the violations is met, under subsection C, the Director of Community Services shall notify the permittee in writing that the permit is being reviewed, list the alleged deficiencies and specify a reasonable time for the permittee to correct the deficiencies. If the permittee could reasonably correct the deficiencies but fails to do so in the specified time, the Director of Community Services may refer the matter to the City Attorney. If the only reasonable way to correct the deficiencies is for the permittee to cease the permitted activity or for the City to impose new or changed conditions on the permit, the Director of Community Services shall refer the matter to the Hearing Examiner for review. He explained it is not an automatic referral to the Hearing Examiner even if there is a deficiency. Councilmember Mesaros asked if it comes back to the City Council. Mr. Taraday responded

he was fairly certain this miscellaneous review provision was not listed in the table of land use processes so it was unknown whether it was a Type IIIA or B so he did not know how to answer that question.

With regard to timing, Councilmember Mesaros said it had been stated the reason the Council needed to act tonight when two Councilmembers were absent was because this was an emergency. If a deficiency is found, the School District has a right to correct the deficiency in a reasonable period of time. He asked what the timing would be. Mr. Taraday estimated the timing based on Mr. Blomenkamp's submittal of an application for miscellaneous review of a development occurring near his property; the hearing will be this Thursday and his application was submitted earlier than July 16. In Mr. Blomenkamp's instance, there was over a month between the application and the hearing date and the Hearing Examiner typically would have 10 days to rule.

Councilmember Bloom recalled a reference was added to the code that states every time the Community Development Director is referenced, it meant the Development Services Director. Mr. Taraday did not disagree, whether it was in the code or not, in this instance, he agreed it was the Development Services Director. Councilmember Bloom pointed out the review procedures state the Director of Community Services which is different than the Community Development Director. She was unsure whether both were replaced by the Development Services Director as the City no longer had a Community Development Director.

Councilmember Petso referred to an email the Council received late this afternoon and asked whether Mr. Taraday received a copy. Mr. Taraday said if it was what was read during Audience Comments, he has a copy. Councilmember Petso said the email contained allegations that the conditions had not been met, for example the Council said no lights, the Hearing Examiner said no lights, but lighting infrastructure is being installed. Another allegation is related to the code such as waiting 14 days after the SEPA authority is chosen before any work begins and that that time period was not met. If the Council approved the motion, she asked if those would be the type of things that would be reviewed. Mr. Taraday answered not procedural things. Assuming there was a procedural error, he could not imagine that State law would allow the City to correct it more than 21 days after the permit was issued; that would be a clear violation of LUPA.

Mr. Taraday said what would be considered would be whether there was a substantive violation on a condition of the permit, a substantive violation of the code or a hazard on the site. With regard to lighting, he did see an email inquiring about lighting and whether it would be a violation of the current permit for the District to be installing the foundation for future light poles that would be installed in a future phase. He did not think that would be a violation of their current permit because they cannot make light with a foundation and light poles are not being installed at the height requested in the conditional use permit. He explained the lights drove the extra hours and potentially extra traffic and none of that happens with the installation of the foundation. In his opinion that in and of itself was not a violation of a permit condition. The permit did not say thou shalt not install conduit or foundations for light poles.

Councilmember Petso said by passage of this motion would allow that kind of issue to be reviewed. Mr. Taraday agreed that would be the kind of issue that would be reviewed.

Councilmember Bloom read #5 on page 6 of the Findings of Fact and Conclusions following the quasi-judicial hearing, "Adverse impact of proposed use. The administrative record created at the time the District was proposing field lighting revealed the potential for unmitigated significant adverse traffic impacts. Had the District not abandoned the lighting application, further information would have been necessary to determine whether traffic impacts needed to be mitigated. Excluding traffic impacts associated with the abandoned field lighting applications, the proposal will not create any other significant adverse impacts or be significantly detrimental to other properties. Impacts are more



specifically addressed below.” She explained essentially the lighting was removed because the impacts to traffic could not be mitigated and a traffic study was not done, yet the lighting poles have been installed. She had a difficult time resolving that and wanted that to be reviewed. She informed Mr. Taraday she was not asking him to explain.

Council President Fraley-Monillas asked Mr. Taraday to explain. Mr. Taraday explained the School District is probably taking some risk by putting that infrastructure in because the City has not permitted the lights. The District is making a business decision that it makes more sense to put the infrastructure in now and it may be easier from a construction standpoint to do it now, but there is some risk associated with it because the City is not bound to permit the lights in the future, there is no application for the lights, and if the District cannot satisfy the code when that application is submitted, the City has every right to reject the application notwithstanding that the foundations have been installed.

Council President Fraley-Monillas said she will support the motion but was disturbed Councilmembers Bloom, Johnson and Petso would not allow Councilmember Buckshnis to participate in the discussion. In her six years on the Council, which is longer than any of the Councilmembers present, Councilmembers have been allowed a dozen times to call in when they were unable to attend a Council meeting. Councilmember Buckshnis had a family emergency and needed to go to Wisconsin. She found it very disturbing that those Councilmembers would not allow Councilmember Buckshnis to do her duty.

Mr. Taraday expressed concern about one procedural hiccup; Councilmember Bloom’s motion identified a catchall of other issues that should be reviewed. Unless those are specified in a motion, the direction staff is getting is to review what was addressed in the motion, otherwise he was unsure how staff would scope the review without the Council informing staff what the alleged deficiencies are.

Councilmember Petso asked whether formal action was necessary for staff to look into the three things specified by Councilmember Bloom plus the email the Council received today or could the Council agree that is what the motion means. Mr. Taraday recommended the motion be amended.

**COUNCILMEMBER PETSO MOVED, SECONDED BY COUNCILMEMBER BLOOM, TO AMEND THE MOTION TO ALSO ADD THE CONCERNS EXPRESSED IN THE EMAIL RECEIVED TODAY.**

Councilmember Mesaros said this is really bad process; now he is voting on a motion that refers to an email received today without any mention of what email, who sent it, or what the subject was. To quote Councilmember Bloom’s earlier comment, this is a good example of doing things on the fly and doing them badly especially considering the timeframe. If this is an emergency, it will be 45-60 days before the Council knows whether the review will happen and by then the fields will be done. He questioned why the Council was even going through this exercise in the first place, reiterating it was very bad process.

Council President Fraley-Monillas said she was not able to read her email prior to the Council meeting and possibly Councilmember Mesaros did not either. Councilmember Mesaros said he did not know what email the Council was voting on. Council President Fraley-Monillas assumed it was the email sent to Council this afternoon and suggested Councilmember Petso outline the concerns in the email. Councilmember Mesaros suggested the specific email be identified; he read 15 emails this afternoon.

Mayor Earling commented on the number of emails the Council has received during this process, estimating there have been hundreds. He was puzzled by suddenly attaching significance to one.

Councilmember Petso said the email she was referring to was received this afternoon and included a document with the footer Application for Miscellaneous Review of Multiple Permits. She suggested the 9-page document that was submitted this afternoon be added to Councilmember Bloom’s motion. Council

President Fraley-Monillas asked who sent the email and what time. Councilmember Petso answered she did not know who emailed; it was an appeal that was intended to be filed on Thursday by Margaret Pinson, Christine Johnson and Randy Burke. Her rationale for taking action tonight was to save these residents the appeal fee.

Council President Fraley-Monillas said she was just now opening the email, an email Councilmember Petso sent at 4:00 p.m. today. Councilmember Petso answered she did not think so. Councilmember Bloom said it was from Scott Blomenkamp to Dave Earling that begins Dear Edmonds City Council Members and was blind copied to the School Board, legislators, media, Verdant, SnoCo Gov and multiple residents of Edmonds were involved. Council President Fraley-Monillas asked what issues within the email staff would be asked to look at. Councilmember Petso said the date and time of the email was August 25 at 5:25 p.m. Council President Fraley-Monillas said there are multiple pages in the email. Councilmember Petso said that is why Council should not discuss it tonight but let staff look at it.

Councilmember Mesaros recalled earlier in the meeting Councilmember Bloom faulted Mr. Williams for not having information regarding the Sunset Avenue project available for the Council's discussion, information she felt the was important for citizens and the Council to see before the Council's discussion in a study session. Now the Council is discussing items for a vote that have much larger ramifications than a study session without adhering to the normal process of not voting during in study session. Further, there is a sense of emergency that the Council needs to take a vote when the process will take at least 45-60 days. He did not understand the emergency.

Council President Fraley-Monillas recanted her earlier support of the main motion. She supported the motion when it was related to the three issues but she has not even read the email referred to in Councilmember Petso's amendment. .

**COUNCILMEMBER PETSO WITHDREW HER AMENDMENT WITH THE AGREEMENT OF THE SECOND.**

Councilmember Bloom restated the motion:

**PER ECDC 20.100.040, REVIEW OF APPROVED PERMITS, THAT ALL RELATED PERMITS IN THE WOODWAY FIELDS PERMITTING PROCESS BE REVIEWED. THIS REVIEW SHALL INCLUDE BUT NOT BE LIMITED TO:**

- 1) PERMIT BLD20141182 ISSUED ON MAY 28, 2015 FOR FIELD LIGHTING BASES,**
- 2) THE DETERMINATION OF NON SIGNIFICANCE BY THE LEAD AGENCY, THE EDMONDS SCHOOL DISTRICT, IN THE SEPA REVIEW OF THE PROJECT, AND**
- 3) THE USE OF 2005 VERSUS THE NEW 2014 STORMWATER REGULATIONS IN DETERMINING FILTERING OF THE FIELD RUNOFF.**

**MOTION CARRIED (4-0-1), COUNCILMEMBER MESAROS ABSTAINING.**

Mayor Earling declared a brief recess.

**B. PRESENTATION OF THE DRAFT SR-104 CORRIDOR STUDY**

Bertrand Hauss said he and Don Samdahl, Fehr & Peers, made a presentation to Council on July 14, 2015 following by Q&A. He referred to his July 20, 2015 email to Council with responses to two of three questions staff was unable to answer on July 14. In response to the third question regarding congestion issues at SR 104 and 244<sup>th</sup>, he talked to a WSDOT traffic engineering who indicated that intersection is limited access and controlled by the State. There are three approaches to the intersection and approximately 40,000 vehicles per day. The intersection flows fairly well with the existing coordination with signals to the east and west. In speaking with WSDOT as well as reviewing Shoreline's

Transportation Plan, there are no short or long term improvements proposed at that intersection. There is congestion for a short period of time but it is not significant.

Mr. Hauss explained on July 22, 2015, the Planning Board recommended this document be used for future planning and implementation. During the July 14, 2015 meeting, Council was also invited to send any follow-up questions to staff; none have been received. The intent of this agenda item is to address any additional questions so that the document can be finalized and forwarded to the Consent Agenda at a future Council meeting. He advised Mr. Samdahl was also present to answer questions.

Councilmember Petso asked whether there have been any changes to the document since the prior version. Mr. Hauss answered no. Councilmember Petso preferred this be scheduled on the full agenda instead of the Consent Agenda as she intends to make a motion to remove Appendix C that pertains to Westgate as it appeared to differ from what was adopted with the Westgate Plan. For example the appendix may state a 12-foot setback and the Westgate Plan states 16 feet.

Councilmember Mesaros asked if staff had had an opportunity to review the document in relation to other documents and was there an opportunity to amend Appendix C so it mirrored the Westgate Plan. Mr. Hauss said amendments can still be made. Councilmember Mesaros agreed with Councilmember Petso's suggestion to discuss it as an agenda item. He suggested staff provide two versions of Appendix C, the existing one and an amended version that reflects the Council's previous decision.

#### **C. WATER RESOURCE INVENTORY AREA (WRIA) 8 INTERLOCAL AGREEMENT**

Council President Fraley-Monillas relayed Councilmember Buckshnis intended to present this but was not allowed to. Councilmember Buckshnis indicated it was okay to postpone this item as it was not urgent. Mayor Earling preferred to delay this to allow Councilmember Buckshnis to present it.

It was the consensus of the Council to delay this item to a future meeting.

#### **6. REPORTS ON OUTSIDE BOARD AND COMMITTEE MEETINGS**

Councilmember Johnson reported she attended AWC training on budgeting and municipal finance. She offered to share information with the Council.

Councilmember Mesaros reported:

- The SeaShore Transportation Forum will join the Eastside transportation forum and the South transportation form in hosting a conference on October 9 on advanced transportation technology and planning, looking at futuristic ways of transportation.
- On October 15 he and Police Chief Compaan, who represent the City on the SnoCom Board, will attend a joint meeting with SnoPac (911 dispatch in North Snohomish County) to discuss going live with the new software.
- The SnoCom Board's annual retreat is October 8

Councilmember Bloom reported:

- The Tree Board meeting included the introduction of three new board members, excellent public comment and a report from Chair Steve Hatzenbeler regarding his meeting with Mayor Earling and Shane Hope about the Tree Code. Unfortunately the recorder did not work and the minute taker was not present. Chair Hatzenbeler plans to draft minutes of the meeting.
- The Port Commission meeting included discussion regarding their budget schedule, a marina camera, revenue and refunding of bonds, second quarter financial statements, a report from Harbor Square property management, and comments from Port Commissioners.

Councilmember Petso reported:

- The PFD Board meeting was cancelled this month. She attended a special meeting earlier this month and Councilmembers should have received an invitation to their audit exit interview on Thursday at 9:00 a.m.
- The Economic Development Commission is working on its presentation to the City Council. They are working with the Economic Development Director to develop a summary of business districts that describes the district's attributes, traffic volumes, etc.
- She attended an open house on August 20 regarding the Unocal cleanup of the property below Pt Edwards and the marsh. A video of the presentation is available on My Edmonds News as well as a summary with a link for the public to submit comments regarding the cleanup process. The comment period ends August 31.

Council President Fraley-Monillas reported on the Lake Ballinger Watershed Forum. The former Mountlake Terrace golf course is being developed into a park; the estimated cost is \$15 million. The forum also discussed funding with the federal lobbyist for continued work on Lake Ballinger.

Mayor Earling reported the legislature approved Sound Transit moving ahead with Sound Transit 3 and a bond measure is expected to be before the voters as early as 2016. The upcoming Board meeting on Thursday will refine the issues that need to be studied throughout the region. Following that meeting, staff will study the issues and return with results of their analysis next year. Of paramount importance to Snohomish County is completion of the light rail line to Everett. A letter of support signed by all eight mayors in the subregion was submitted.

#### **7. MAYOR'S COMMENTS**

Mayor Earling reported he is a new grandparent. He has already has two grandchildren, his daughter Sarah delivered an 8 lbs. boy this morning.

#### **8. COUNCIL COMMENTS**

Council President Fraley-Monillas congratulated Mayor Earling. She was invited to participate at the senior center with a large group of stakeholders regarding the development of the new senior/community center. She encouraged citizens interested in the aspects of the future center to view drawings on display at the senior center. She introduced the bands at three concerts in the park this year; the last live concert this season will be this Thursday at the Hazel Miller Plaza.

Councilmember Bloom said she noticed on My Edmonds News that a Sound Transit representative has been asked to join the Rail Crossings Analysis Task Force. She recalled asking last week if the meeting would be noticed and said she did not see any notice of the task force meeting on My Edmonds News. Mayor Earling advised the meeting is September 2 at 9:00 a.m. in the Brackett Room.

In response to Councilmember Mesaros' concern the agenda item was done on the fly, Councilmember Bloom explained Councilmembers were told by Mr. Taraday that they could not speak to citizens after the quasi-judicial hearing and that the Council only had authority over only two things. Since that quasi-judicial hearing she has spent a lot of time and energy reading and listening to people who are strongly opposed particularly to crumb rubber. She referred to Mr. Wambolt's comment that probably every Councilmember does not support crumb rubber. Her concern was the Council has been told they have no say over it which is not true; the Council had the authority to do what it did tonight and had more authority to work with the School District. She wished she had also added a stop work order to tonight's agenda. The fields are going in right now and they will be in by the end of the week and then the Council

will be asked to vote on an ILA next week. The Council has been made to feel powerless, that they do not have control or authority or this and she believed the Council did. Tonight was a step to at least state the Council has the authority to ask for the permits to be reviewed. She also believed the Council had the authority to stop the work but did not believe she had the support of the Council for that. She recognized the fields will be in by the end of this week; her efforts have been to try to get the work stopped. She did not want to continue to feel powerless; the Council is the elected body and represents the citizens of Edmonds.

Councilmember Mesaros said Councilmember Bloom and Mr. Wambolt were correct that none of the Council were in favor of crumb rubber. The Council is called upon to do the things they are supposed to do as Council and the Council has fulfilled that. His own belief is some of the individuals that are championing the opposition of crumb rubber have lost their way a little bit because the goal was not to have crumb rubber, not to embarrass the School District.

Mr. Blomenkamp called out from the audience. Mayor Earling asked him to leave the room and Mr. Blomenkamp refused.

9. **CONVENE IN EXECUTIVE SESSION REGARDING PENDING OR POTENTIAL LITIGATION PER RCW 42.30.110(1)(i)**

This item was not needed.

10. **RECONVENE IN OPEN SESSION. POTENTIAL ACTION AS A RESULT OF MEETING IN EXECUTIVE SESSION**

This item was not needed.

11. **ADJOURN**

Mayor Earling adjourned the Council meeting at 9:47 p.m.